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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,944	09/28/2005	James C. Wilson	T3987-10161US01	4048

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JAMES C. WILSON
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CLEARWATER, FL 33755

EXAMINER

ISLAM, SYED A

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/550,944	WILSON, JAMES C.	
	Examiner	Art Unit	
	Syed A. Islam	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050928</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 9 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5, 9 and 23, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-12, 14-15 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedrich et al. (6,938,771).

Regarding claim 1, Friedrich et al. disclose that a key label comprising: a substantially cylindrical sleeve 6 (col. 8, line 11; see fig. 3) having an inner surface 10 (col. 8, line 21; see fig. 3) and an outer surface and formed of a heat shrink material; the inner surface of the substantially cylindrical sleeve having a through opening (see fig. 3) adapted to slip over a

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key head such that it fits around a head end of a key and the substantially cylindrical sleeve to be heat shrunk to substantially encase the head end of the key.

Regarding claim 19, Friedrich et al. disclose that a key label comprising: means for substantially encasing a head end 4 of means for opening, said substantially encasing means including a substantially cylindrical sleeve 6 having an inner surface 10 and an outer surface and formed of a heat shrink material, the inner surface of the substantially cylindrical sleeve having a through opening adapted to slip over a head end of the opening means to be heat shrink to substantially encase the head end of the opening means.

Regarding claims 2 and 20, Friedrich et al. disclose that when the substantially cylindrical sleeve is shrunk to fit around the head end of the key upon being heated to a predetermined temperature (col. 9, line 28), the inner surface 10 of the substantially cylindrical sleeve at least partially contacting a portion 4 (col. 8, line 19; see fig. 1) of the head end of the key after shrinking.

Regarding claims 3 and 21, Friedrich et al. disclose that the outer surface of the substantially cylindrical sleeve provides a writeable surface for application of an identifying mark to be applied (col. 6, lines 48-52).

Regarding claims 4 and 22, Friedrich et al. disclose that the substantially cylindrical sleeve, when shrunk covers only the head end 4 of the key or the opening means.

Regarding claims 5 and 23, Friedrich et al. disclose that the heat shrink material comprises one of polyolefin, polyvinyl chloride (col. 8, line 46; see fig. 3), polytetrafluoroethylene (Teflon), or polychloroprene (Neoprene) or the like.

Regarding claim 6, Friedrich et al. disclose that the substantially cylindrical sleeve is at least partially transparent (col. 8, line 27).

Regarding claim 8, Friedrich et al. disclose that the sleeve is performed to conform to the shape of the head portion of the key (see fig. 1).

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Regarding claim 10, Friedrich et al. disclose that the sleeve of heat shrink material is preformed to conform to a body 4 of a lock.

Regarding claim 11, Friedrich et al. disclose that the sleeve of heat shrink material is preformed to conform to a shackle 4 of a lock.

Regarding claim 12, Friedrich et al. disclose that a method of manufacturing a heat shrink label for application to a key head, the method comprising: providing a heat shrink material having a substantially cylindrical shape 6 with a predetermined diameter; and cutting (col. 6, lines 30-33) the substantially cylindrically shaped heat shrink material into sleeves of a predetermined width, each sleeve having an opening therethrough, applying one of the sleeves over a key head and heat shrinking the sleeve to the key head.

Regarding claim 14, Friedrich et al. disclose pre-forming at least one of the substantially cylindrically shaped heat shrink material sleeves to partially conform to a known shape of a key head to which the at least one section is to be affixed (col. 5, lines 25-30).

Regarding claim 15, Friedrich et al. disclose that the sleeve is pre-formed to conform to the shape of the head portion of a key (col. 5, lines 25-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedrich et al.

Regarding the claim, Friedrich et al. fail to disclose that the substantially cylindrical sleeve is to be shrunk by application of heat from a heat source, the heat source comprises

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one of a gas flame, an electric heating element, an infrared heat source, a heated fluid, a solid fuel or like heating source. However, Friedrich et al. disclose that the sleeve is made of a heat shrink material that is to be shrunk by applying heat. It would have been obvious to one of ordinary skill in the art at the time of invention to use one of a gas flame, an electric heating element, an infrared heat source, a heated fluid, a solid fuel or like heating source, since they are well known in the art, because it is inexpensive and well controllable.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedrich et al. in view of Zaborney (4,608,323).

Regarding claim 13, Friedrich et al. fail to disclose that at least partially preshrinking the heat shrink material prior to affixation to the key head. However, Zaborney discloses that at least partially preshrinking the heat shrink (col. 1, line 39) material prior to affixation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Zaborney in the invention of Friedrich et al. for the purpose of approximating the cell size.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedrich et al. in view of Lesko (6,000,258).

Regarding claim 24, Friedrich et al. fail to disclose that the opening means comprises a key. However, Lesko discloses that said opening means comprises a key 10. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Lesko in the invention of Friedrich et al. because it is simple and inexpensive.

Claims 16-18 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesko (6,000,258) in view of Friedrich et al.

Regarding claims 16 and 25, Lesko discloses that a labeling system comprising: means for labeling a key 10 (col. 1, line 57; see fig. 1) and means for labeling a lock 20 (col. 2,

line 21; see fig. 7A); the key label means and the lock label means being adapted to indicate that the key and the lock are associated with each other.

However, Lesko fails to disclose that means for labeling a key including a first substantially cylindrical sleeve of a heat shrink material having a first predetermined diameter, a first predetermined length, an inner surface and an outer surface, such that the inner surface of the key label means is adapted to fit around a head end of a key and be shrunk to substantially encase the head end of the key, the first substantially cylindrical sleeve having a through opening to fit around the head end of the key and be shrunk to substantially encase the head end of the key and means for labeling a lock including a second substantially cylindrical sleeve of a heat shrink material having a second predetermined diameter, a second predetermined length, an inner surface and an outer surface and a through opening such that the inner surface of the lock label means is adapted to fit around a portion of a lock and be shrunk to substantially encase the portion of the lock. However, Friedrich et al. disclose that means for labeling a key including a first substantially cylindrical sleeve 6 of a heat shrink material having a first predetermined diameter, a first predetermined length, an inner surface 10 and an outer surface, such that the inner surface of the key label means is adapted to fit around a head end of a key and be shrunk to substantially encase the head end of the key, the first substantially cylindrical sleeve having a through opening to fit around the head end of the key and be shrunk to substantially encase the head end of the key. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Friedrich et al. in the invention of Lesko because it is simple and inexpensive.

Regarding the limitation of means for labeling a lock including a second substantially cylindrical sleeve of a heat shrink material having a second predetermined diameter, a second predetermined length, the limitation includes similar structure with a different shape

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for the purpose of conforming a lock that has a different diameter than a lock. Friedrich et al. disclose substantially cylindrical sleeve of a heat shrink material having a diameter to conform any shape as desired. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to make the sleeve of Friedrich et al. of a second diameter to label a lock, since it only requires common knowledge in the art, because it is easy and inexpensive.

Regarding claims 17 and 26, Lesko fails to disclose that the second substantially cylindrical sleeve is formed to fit around a body portion of the lock. However, Friedrich et al. disclose that the second substantially cylindrical sleeve is formed to fit around a body portion 4 of the lock. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Friedrich et al. in the invention of Lesko because it is simple and inexpensive.

Regarding claims 18 and 27, Lesko fails to disclose that the second substantially cylindrical sleeve is formed to fit around a shackle portion of the lock. However, Friedrich et al. disclose that the second substantially cylindrical sleeve is formed to fit around a shackle portion 4 of the lock. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Friedrich et al. in the invention of Lesko because it is simple and inexpensive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed A. Islam whose telephone number is (571) 272-7768. The examiner can normally be reached on Monday-Friday 9am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lesley D. Morris
SPE
Art Unit 3611

SI
July 5, 2007

A handwritten signature in cursive script that reads "Lesley D. Morris".

LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600